

**CHAIR**

- Licenses Committee
- City Information Management Committee

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- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

October 29, 2018

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 180821 contains the following recommendations:

Renewal, with a twenty (20) day suspension, based upon the police report and neighborhood testimony of the Class B Tavern and Public Entertainment Premises license(s) for Jeffrey Henderson for the premises located at 634 W North Ave ("Levels on North") in the 6th aldermanic district.

Renewal, with a twenty (20) day suspension, based upon the police report and applicant, aldermanic, and neighborhood testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) for Shane Parker for the premises located at 3412 W National Ave ("Gene's Unicorn Pub II") in the 8th aldermanic district.

Renewal, with a fifteen (15) day suspension, based upon the police report and applicant testimony of the Extended Hours, Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) for Carlos Caseres for the premises located at 1035 S Cesar E Chavez Dr ("Jalisco Restaurant") in the 12th aldermanic district.

Respectfully,

Nik Kovac, Chair  
Licenses Committee

cc: All Council Members  
File 180821

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

**Date:** October 26, 2018

**To:** All Members of the Milwaukee Common Council

**From:** Licenses Committee

**Re:** Report on the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Jeffery L. Henderson, Agent for PNC Investment Limited, for the premises located at 634 West North Avenue in the City and County of Milwaukee, Wisconsin ("Level's on North").

**FINDINGS OF FACT**

1. Jeffery L. Henderson (hereinafter "the Licensee") is the holder of a Class "B" Tavern License and a PEP License for the premises located at 634 West North Avenue in the City and County of Milwaukee, Wisconsin ("Level's on North"). Said licenses expire at midnight on November 6, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on August 16, 2018.
3. Pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation.
4. On October 11, 2018 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Report. The matter was scheduled for a hearing on the police report on October 23, 2018 commencing at approximately 10:15 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On September 20, 2017, at 2:35 a.m., Milwaukee Police Department officers observed cars parked in the bus zone in front of the licensed premise, located at 634 West North Avenue. The officer began issuing parking citations and the owners began moving their cars. The officers attempted to speak with owner of the tavern at 634 West North Avenue but as they approached they heard the door being locked. The officer looked in the window and observed several people hide behind the bar. On October 5, 2017, the officers spoke with Terence Smith, the bar manager. He stated he was aware of the incident. He was advised they could not lock the bar in an attempt to keep officer out. The officers checked the posted licenses which stated their closing hours were 1:30 a.m. Monday through Saturday.
- B. On October 13, 2017, at 6:15 p.m. officers responded to Levels on North Bar at 634 West North Avenue regarding a complaint that the establishment was open even through their license was expired. Upon arrival, officers observed the open sign on and people inside the establishment with drinks in their hands. Officers spoke with a bouncer and advised him that the bar was not supposed to be open. The bouncer called the owner by phone and explained the situation. The owner stated he did know the license was expired and stated he would comply and close the business.
- C. On October 17, 2017, at midnight, officers conducted follow up regarding Levels on North Bar being open for business when their license was expired. An officer drove past the business and found it to be closed. The officer received an email from Terence Smith, the manager, asking why they could not be open. The officer responded by email explaining the Class B Tavern license was expired and the application for a provisional license was denied. Smith responded to the email stating he would comply and that they would be doing some remodeling until the license was renewed.
- D. On March 17, 2018, at 3:15 a.m., Milwaukee Police were investigating a shooting at North 6<sup>th</sup> Street and West North Avenue when an officer observed blood and multiple bullet casings on the stairs outside 634 West North Avenue. An officer entered the tavern and made contact with a subject, who identified himself as the manager, and asked him if he knew anything about the shooting. The manager stated that he did hear two gunshots, went outside, but did not observe anything. While the officer was interviewing the manager, the door of the woman's restroom opened and a male and female exited and were told to wait for detectives. The

officer did observe blood inside the threshold of the door to the tavern which caused the officer to look around the establishment for more signs of blood. While doing this the manager became defensive and agitated, questioning the officer as to what he was doing. The manager told the officer who the owner of the business was and asked the officer to contact the owner because he was “just the manager”. While waiting for detectives, the officer observed and heard the bar manager urinating in the sink behind the bar area. When detectives arrived, the bar manager became extremely uncooperative with them and kept repeating himself when asked questions. The agent was issued a citation.

Charge: Class B Premises Allow Patrons after Hours  
Finding: Guilty  
Sentence: \$629.59 fine – **warrant issued for past due fine**  
Date: 06/25/18  
Case: 18037721

E. On March 30, 2018. at 10:30 p.m., Milwaukee Police conducted follow-up regarding a shooting which occurred outside of 634 West North Avenue on March 17, 2018. Employees of the tavern lied to officers about the events surrounding the incident and only told the truth when officers confronted them with the fact that police knew the shooting victim entered the establishment after being shot. One of the employees also said that he was the Manager of the tavern but when he asked for his “Class B” manager’s license, he changed his story and told officers that he just stocks and cleans the bar. While conducting these interviews, officers could smell fried food being made and found that there was an employee, in the kitchen, standing next to an oil fryer. There were four baskets of wings frying in the deep fryers and a five gallon bucket of chicken wings defrosting in the sink. The employee stated that they were selling food items and he was “in charge” of the food. Officers later checked to see if the tavern had a food dealer’s license and found they did not. A citation was issued.

Charge: Food Dealer License Required  
Finding: Guilty  
Sentence: \$719.00 fine – **warrant issued for past due fine**  
Date: 06/25/18  
Case: 18036628



- F. On March 21, 2018, at 8:30 p.m., Milwaukee Police performed follow up at 634 West North Avenue regarding earlier contacts with police at the tavern (Items #6 and #7). The agent stated that he wanted to work with police on any problems that may be the result of the establishment. He was informed that the employees were uncooperative with officers during a shooting investigation, the manager urinated in a sink, and employees were cooking and selling food. The agent informed the officers that he was unaware of these problems and the person urinating in the sink was not the manager but just a “helper”. He was informed that a meeting needs to take place per the request of the Captain of the Fifth District in order to work out any problems and about the citations he will be issued for the earlier violation observed by officers.
- G. On July 22, 2018, at 12:40 a.m., Milwaukee Police conducted a tavern check at 634 West North Avenue. In past contacts with police, occupants had on occasion locked the entrance to the establishment and open it after several knocks. When officers approached the tavern during this check, patrons attempted to shut the door on officers but they were able to gain entry before the door was fully closed. As police gained entry, multiple subjects blocked the entrance and officers observed multiple subjects flee into the back rooms of the location. Officers checked the two bartenders for Class D Operators license but neither one would verify their license status. The maximum occupancy of the establishment is 62, but officer’s body cameras revealed that the tavern appeared to be above that occupancy. There was armed security inside the tavern and officers did have a conversation with the agent. No citations were issued.
- H. On August 14, 2018, at 10:29 p.m., Milwaukee Police conducted a tavern check at 634 West North Avenue. Officers were met outside by the agent and they proceeded to enter the rear of the business which is a kitchen area. Officers observed in the kitchen that the agent had four fryers on a large bucket of chicken in the sink defrosting under water. The agent was informed that he is not allowed to serve food because he did not have a proper license and he stated that he was not selling the food, it was for a party. Officers informed him that making chicken for a party is still in violation and he could receive citations if he does it again. The agent understood and said he would stop making chicken. The agent informed officers that his license was up for renewal and he has a meeting with the alderperson regarding his license.

- I. In response to the police report, the licensee offered an explanation regarding the shooting incident: he stated the victim came in to the bar already shot and the bartender called the police. He stated that the victim came in to the bar after 2 a.m. and the police came a few days later to get the DVR. He again explained that the victim was a passerby and had not been affiliated with the bar in any way.
- J. With regard to the patrons in the bar after hours, they were not actually patronizing the establishment. He stated that the people coming out of the bathroom were patrons who had car trouble, and he didn't fight the ticket.
- K. In response to questions from Alderman Nik Kovac about the preparation of food, the licensee stated that he did not know he needed a food dealer's license because the food was for a party and he was not selling individual food orders, but he will apply for a food dealer's license. August because it's cold, but they are open every day. He stated that security makes sure people are not hanging around outside. He stated he has licensed security, and one is armed. He stated that he picks up trash outside the premises.
- L. Maurita Simmons 2327 North 6th Street stated that she has personally experienced fights, littering of broken glass from liquor and beer bottles, people loitering outside, cars, loud music, and gunshots and her children are afraid to go to sleep. She stated that she would like the owner to take care of the problems surrounding the bar. She added these things happen mostly on Saturdays and there's so many people it's like a circus. She's stated she's glad that it's not open every day. She stated her children's bedrooms face the premises. She stated she's stopped by the premises a few times, but the building has been closed. She stated she has not spoken to the licensee regarding her concerns.
- M. The licensee stated that he stated he goes door to door to speak with neighbors, but has not talked to Ms. Simmons. He stated that he has never heard concerns from neighbors and no one has ever called him or left a voicemail. He added the neighbor behind him calls about the trash. He stated that there is a concrete slab so patrons can be smoking on the side of the building.
- N. Alderwoman Coggs, the local alderperson, stated people have said many of the same things Ms. Simmons is saying. She stated the patrons are loud, there is traffic congestion, and there needs to be a plan of abatement. She asked about the food items in the police report and why the licensee continued to cook after he knew he was not supposed to. She asked about

the person in the police report who stated he was in charge of the food. She stated that she has seen pictures on Facebook of food at the premises and she does not believe the licensee is simply giving the food away. She asked about a fight that occurred around July 20th with a video circulating on social media. She stated the video had women with pistols fighting for 15 minutes without security breaking it up or the police responding. She stated the licensee needs to communicate with her when incidents occur and there needs to be a plan of abatement because of the items on the police report being on the verge of serious issues. She stated the licensee needs to work with the neighbors to make sure the premises does not become a magnet for violent behavior or people with violent tendencies.

- O. The licensee stated that the fight involved patrons from the premises and the police were called, but it was over before the officers actually arrived.
- P. Alderwoman Coggs moved approval with a 20 day suspension based on the police report and neighborhood testimony.

### **CONCLUSIONS OF LAW**

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Jeffery L. Henderson who holds Class "B" Tavern and Public Entertainment Premises (PEP) licenses for the premise located at 634 West North Avenue in the City and County of Milwaukee, Wisconsin ("Level's on North") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Class "B" Tavern and Public Entertainment Premises (PEP) licenses without undergoing a twenty (20) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report and neighborhood testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern and Public Entertainment Premises (PEP) licenses without undergoing a twenty (20) day suspension for the premises located at 634 West North Avenue in the City and County of Milwaukee, Wisconsin ("Level's on North"). The Committee based its recommendation on the police report and neighborhood testimony.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes**, recommends that the Class "B" Tavern and PEP Licenses of Jeffery L. Henderson for the premises located at 634 West North Avenue ("Level's on North") in the City and County of Milwaukee, Wisconsin be renewed with a twenty (20) day suspension based upon the police report and neighborhood testimony.

The suspension is in effect between 12:01 a.m. on November 7, 2018 until 11:59 p.m. on November 26, 2018.

Dated and signed at Milwaukee, Wisconsin this 26th day of October, 2018.



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NIC KOVAC  
Chairman, Licenses Committee

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- City Information Management Committee

**VICE CHAIR**

- Milwaukee Arts Board

**MEMBER**

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

**Date:** October 26, 2018

**To:** All Members of the Milwaukee Common Council

**From:** Licenses Committee

**Re:** Report of the Renewal Application of the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses of Shane G. Parker, for the premises located at 3412 West National Avenue in the City and County of Milwaukee, Wisconsin ("Gene's Unicorn Pub II").

**FINDINGS OF FACT**

1. Shane G. Parker (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses for the premises located at 3412 West National Avenue in the City and County of Milwaukee, Wisconsin ("Gene's Unicorn Pub II"). Said licenses expire at midnight on November 13, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on September 10, 2018.
3. Pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On September 11, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On October 12, 2018, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report and neighborhood objections. The matter was scheduled for a hearing on the police report and objections on October 23, 2018, commencing at approximately 9:45 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee, appeared at the hearing and admitted receipt of the notice of hearing.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On September 5, 2017, at 9:27 p.m., officers went to The Green Unicorn Pub, 3412 West National Avenue, to conduct follow up regarding a shooting. The officers watched surveillance video from September 5, 2017, at 1:27 a.m. The video depicted a fight inside between a male and female patron. The bartender, Kristine Wilmer, and another male subject attempted to stop the fight. While attempting to stop the fight, the male subject helping the bartender pulled out a gun from his waist band. The male suspect charged toward the subject with the gun and the subject fired one time at the suspect. Both subjects then left the bar. Wilmer was observed later in the video picking something, possibly the casing from the bullet, off the floor and taking it outside. Wilmer denies picking up a casing and told the officers she did not think the shooting happened inside the bar. The Licensee was contacted by phone and state he believed the shooting occurred outside his establishment. The tavern made no calls to the police regarding this incident.
  - B. On September 20, 2017, a meeting was held regarding the shooting on September 5, 2017, at Gene's Unicorn, 3412 West National Avenue. At the meeting was the Licensee, local Alderman Robert G. Donovan and Captain Ramirez. The Licensee stated he trains his employees to call the police if there is an incident at the tavern. He stated he has fired the employee involved and is attempting to identify the patrons involved so he can ban them from the tavern. He stated that he was considering better lighting in the rear of the tavern and increase security during busy hours. He will be posting a sign to prohibit firearms. Alderman Donovan recommended the Licensee close at 12:00 a.m. on weekdays and 1:00 a.m. on weekends and place a camera and lighting at the rear of the business.
  - C. On March 26, 2018 at 12:29 a.m., Milwaukee Police Department officers were dispatched to 3412 West National Avenue (Gene's Unicorn Pub) for a subject with gun complaint. The caller/employee called police and stated a patron pointed a firearm at her. The patron was located and arrested. An incident report was filed (180850002).
  - D. On August 1, 2018 an email was sent to the Second District from an alderman wanting an investigation into a fight which happened on July 28, 2018 in front of 3412 West National Avenue (Gene's Unicorn tavern). In the email, there was a link which captured a fight in front of the location and mentioned employees of the tavern. Investigation revealed that there

were no calls for service at the establishment on July 28, 2018 and there was no victim, who filed a police report. An employee and security were interviewed but neither one stated they saw a fight.

- E. At the Licenses Committee meeting, the Licensee stated people were gathering outside at closing time after a birthday party and a fight broke out and security guards broke up the fight. He added that it lasted 1 minute with 4-5 punches thrown so he did not feel it was necessary to call the police. He added that the patrons involved in the fight have been banned from the premises. He added that he spoke with the police about having a meeting regarding the incident. He stated that his managers have never had a manager's license, and that he did not know they needed one. He stated that he offers the police access to his security cameras. He stated that he recognized his security guard in the video and the police were not called. He added that his security guard did not call the police because the fight ended so quickly. He stated that he spoke with his security guard and staff about the incident in the video and instructed them to call the police. He added that he will hire an additional security guard for special events and going forward they need to do better. He stated the security is not licensed and bonded, but has five years of experience working at the Rave. He stated that the security guard has been with him for a year and was not reprimanded for not calling the police, but it all happened so quickly. He stated his security will not get in to altercations because they are there to defuse the situation. He stated that the premise has been operating for 37 years, and he took it over from his dad 12 years ago. He stated he put an ad for a security guard on Craigslist. He stated that the bartender was fired who removed the shell casings. He stated that they now have an ID scanner and wand people; they also close an hour earlier every day.

Individual also present:

- F. Ms. Patricia Doherty - 8th District Legislative Assistant stated there was a shots fired incident on the last police report in which the bartender removed shell casings and Alderman Donovan believes a suspension is in order. She added that they should have called the police after the fight. She added that they have received complaints from other bars in the area that overserved patrons from the premises are showing up at their bars.

Individuals present in opposition:

- G. Daniel Balderas, 3418 West National Avenue, stated he runs a youth dance school, with Ms. Jennifer Sarda, 20 ft. away from the premises since 2017 and he has seen fights there previously. He stated there was a fight between a bar patron and a parent of one of those dance students at 6 PM, the police were called, but the parent left. He added that he has lost business as a result of the bar and there has been property damage by patrons. He stated that patrons hangout in front of his dance school. He added that he sees patrons outside smoking and drinking out of plastic cups. He added that he has never seen the Licensee before, and he usually sees a man and a woman working at the bar. He stated there are ongoing issues at the premises. He stated during events people are bringing in plastic cups. He apologized to Mr. Balderas for the incident with the parent and stated Mr. Balderas can call him any time with issues. He added that he is at the bar 2-3 hours every day.
- H. Jennifer Sarda, 4826 North 74th Street stated a patron got in to a fight with a parent because a child bumped in to the patron. She added that the patron went in to the bar and came back with a knife. She stated children and parents were around and the children got scared. She stated the police showed up 5-10 minutes later. She stated that there are bottles from liquor and beer, and red Solo brand cups from the bar on her doorstep. She added that she sees patrons smoking outside the dance school.
- I. Alderwoman Coggs asked about the bar manager and if they have a manager's license. She asked if the security guard still works at the premises and what steps have been taken to abate the lack of reporting and incidents like that from occurring in the future. She asked if there will be licensed and bonded security at the premises. She stated that the Licensee should know that a manager needs a manager's license. She stated that she feels like this business is being kept because it's been in the family for years, and the Licensee is not a horrible proprietor, but that his heart is not in it, and that is why decisions about security and unlicensed managers are being made. She stated that the business deserves more attention. She stated the Licensee should spend the 20 days putting plans and policies in place for staff to handle these issues, and to hire qualified security and managers. The Licensee stated that he does care and he is there every day, and that he does everything that Alderman Donovan has asked him to do. He apologized if his patrons were causing problems and said that he would like to identify those people to ban them from the premises. He stated that he does care and when something happens he reacts to it.

- J. Alderwoman Lewis asked how long the security guard has been working there and if he was reprimanded for not calling the police after the incident. She stated there should have been a police response.
- K. Alderman Kovac asked about patrons using plastic cups outside and how frequent patrons use plastic cups. He stated that patrons are not allowed to leave the bar with alcohol and plastic cups are used only during busy times. He stated an event is a busy night maybe twice a month with 20-30 people.
- L. Alderman Johnson asked how long the premises have been operating and where the security guards came from.
- M. Alderman Witkowski moved approval with a 20 day suspension based on the police report, aldermanic, Licensee, and neighborhood testimony.

### **CONCLUSIONS OF LAW**

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Shane G. Parker who holds Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) licenses for the premise located at 3412 West National Avenue in the City and County of Milwaukee, Wisconsin ("Gene's Unicorn Pub II") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) licenses without undergoing a twenty (20) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, Licensee, aldermanic, and neighborhood testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) licenses without undergoing a twenty (20) day suspension for the premises located at 3412 West National Avenue in the City and County of Milwaukee, Wisconsin ("Gene's Unicorn Pub II"). The Committee based its recommendation on the police report, Licensee, aldermanic and neighborhood testimony.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes**, recommends that the Extended Hours Establishments, Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses of Shane G. Parker for the premises located at 3412 West National Avenue ("Gene's Unicorn Pub II") in the City and County of Milwaukee, Wisconsin be renewed with a twenty (20) day suspension based upon the police reports, Licensee, aldermanic, and neighborhood testimony.

The suspension is in effect between 12:01 a.m. on November 14, 2018 until 11:59 p.m. on December 3, 2018.

Dated and signed at Milwaukee, Wisconsin this 26th day of October, 2018.



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NIC KOVAC  
Chairman, Licenses Committee

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: October 26, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Extended Hours Establishments, Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses of Carlos E. Caseres, for the premises located at 1035 South Cesar E Chavez Drive in the City and County of Milwaukee, Wisconsin ("Jalisco Restaurant, LLC").

**FINDINGS OF FACT**

1. Carlos E. Caseres (hereinafter "the Licensee") is the holder of Extended Hours Establishments, Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses for the premises located at 1035 South Cesar E Chavez Drive in the City and County of Milwaukee, Wisconsin ("Jalisco Restaurant, LLC"). Said licenses expire at midnight on November 24, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on September 5, 2018.
3. Pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 9, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On October 11, 2018, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on October 23, 2018, commencing at approximately 9:30 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee, with counsel, Attorney Lauren Wick, appeared at the hearing and admitted receipt of the notice of hearing.



5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On September 22, 2018, Milwaukee Police Department officers were dispatched to a Battery complaint that took place outside of Jalisco's Restaurant at 1035 South Cesar E. Chavez Drive. Upon arrival the officers found a subject lying on the ground in front of a wheel chair. The subject was conveyed to Froedtert Hospital where he was placed on a ventilator to help him breathe. The investigation revealed that J.C. Security was employed by Jalisco's restaurant and video was obtained that showed two of their security guards kicking and punching the victim. The owner of J.C. Security stated the outside cameras did not work but the manager of Jalisco's stated they did work but he could not access them. The manager was very cooperative with the officers and advised them the person that could access the cameras would be in at 11:00 a.m.
  - B. The Licensee stated the victim was bothering customers inside the restaurant, security led him out of the bar, but he is not sure what happened after that. He stated that the formal policy is to remove unruly patrons, lock the door, and call the police. He stated that the incident happened so fast that the store manager did not know what was happening. He stated that the security guards came inside and did not mention the incident to the manager. He stated that there was never a meeting with the security guards about what happened. He added that he has been in business for 31 years and this is the first time there was an incident like this. He stated that he does not know what escalated the incident outside. He added that he always talks to the security, but he does not know what made the security guards act in that manner during the incident. He stated that he has hired a new security company. The Licensee stated he had no idea about the security guard harassing customers or slashing tires. He added that people have not told him about the complaints against the security guards. He stated when there is a complaint they can talk to anyone in the restaurant and it can be resolved right away, otherwise they can leave their name and number and he will call them back. He also explained to the committee that that security company had been in place approximately two years prior to the incident.
  - C. Attorney Lauren Wick stated the security company went outside the scope of their employment and were terminated. She stated that the incident was so out of line that the security company was terminated immediately. She added that the incident happened within one minute and the premises



cooperated with the police. She stated there were always conversations between the security guards and the Licensee. She stated that incident was extreme and the security company was fired so it made it hard to have a follow up conversation about why the security guards acted in that manner. She added that the Licensee talked to the employees and everything that happened inside the premises was normal. The victim was asked to leave, paid his bill, and then left without incident, so it is unclear what happened down the block. She added that there is a new security plan in place.

- D. Alderman Jose Perez, the local alderperson, stated the video was extremely disturbing and the Licensee did not contact his office. He added that it seemed like the security company was in charge, not the Licensee. He stated that when you work with a security company the Licensee is still in charge, not the security company. He stated he would like to see a written security plan prior to Council action. He stated that there should be a process at the restaurant to handle complaints and the phone number of the Licensee in English and Spanish.
- E. Alderwoman Coggs stated the video was all over the news and social media, and asked if there was a manager onsite that saw what was going on outside. She asked if the security guards ever mentioned what happened outside. She added that there does not seem to be an abatement plan to prevent this from happening in the future, due to the lack of investigation. She stated that she is concerned that this could happen again because there is no concern about what is happening outside the business. She stated that it is hard for her to believe that there were no conversation between the security guards and employees about the incident. She asked if the Licensee knew of the allegations about the security guard harassing patrons and slashing tires. She added that there were a lot of comments on social media from customers stating they had been treated poorly by security guard. She stated that it would be wise to have a written plan of staff training to recognize and handle complaints. She further indicated that should was unsatisfied with the Licensee's lack of explanation as to why he did not attempt to investigate the incident with the security company. She stated that she did not have confidence that future incidents could be avoided.
- F. Alderman Kovac stated there should be a better relationship between the security guards and the employees at the restaurant. He stated that regardless of how unruly the patron was, he was in a wheelchair, and it was not a fight because there are different ways to handle that situation. He stated this reflects poorly on the Licensee because he hired the security

company. He asked if the Licensee knew why the security guards acted so extremely. He asked if the Licensee was aware of a \$5,000 lawsuit filed in 2007 against the premises by a person in a wheelchair that has yet to be paid. The Licensee said he was not the agent at the time of the 2007 incident or the lawsuit.

- G. Alderwoman Lewis stated the Licensee should know everything that is going on in his business and he should know what happened with the security guards.
- H. Alderman Johnson stated given events and their notoriety, and the conversation today, it seems that the Licensee runs a good business, but has not done anything to repair the damage done to the community. He stated it seems like this could happen again tomorrow and plans need to be put in place that are suitable for the Licensee, the customer base, and the community in general.
- I. Alderman Johnson moved approval with a 15 day suspension based on the police report and Licensee testimony.

### **CONCLUSIONS OF LAW**

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Carlos E. Caseres who holds Extended Hours Establishments, Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer licenses for the premise located at 1035 South Cesar E Chavez Drive in the City and County of Milwaukee, Wisconsin ("Jalisco Restaurant, LLC") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Extended Hours Establishments, Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer licenses without undergoing a fifteen (15) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police reports and Licensee testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Extended Hours Establishments, Class "B" Tavern, Public Entertainment

Premises (PEP) and Food Dealer licenses without undergoing a fifteen (15) day suspension for the premises located at 1035 South Cesar E Chavez Drive in the City and County of Milwaukee, Wisconsin ("Jalisco Restaurant, LLC"). The Committee based its recommendation on the police report and Licensee testimony.

### **RECOMMENDATION**

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes, and one (1) noes**, recommends that the Extended Hours Establishments, Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses of Carlos E. Caseres for the premises located at 1035 South Cesar E Chavez Drive ("Jalisco Restaurant, LLC") in the City and County of Milwaukee, Wisconsin be renewed with a fifteen (15) day suspension based upon the police reports and Licensee testimony.

The suspension is in effect between 12:01 a.m. on November 25, 2018 until 11:59 p.m. on December 9, 2018.

Dated and signed at Milwaukee, Wisconsin this 26th day of October, 2018.



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NIC KOVAC  
Chairman, Licenses Committee

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